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RESPONSE

UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2600

In re application of:

Ophira and Dov Aharonson

Serial No. 08/729,341

Art Unit: 2675

Filed: October 16, 1996

Examiner: Nguyen, Chanh Duy

For: METHOD OF AND STATION FOR INTEGRATED TYPED DATA AND  
OPTICALLY SCANNED DATA CAPTURE FOR COMPUTER INTERFACING  
AND THE LIKE

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Commissioner for Patents  
Mail Stop: Amendments  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Replying to the Office communication of May 5, 2004, the Examiner has reiterated his previous position that applicants' disclosure does not support the limitation of Cotte claims 1 and 32 of

"wherein said placement alone is sufficient to initiate said drawing, and said computer comprising means for displaying, in response to said placement, a plurality of user-selectable options for processing said image data".

The Examiner also discussed the expert testimony provided in the Declaration of Ralph Rodriquez, but has not actually provided any authoritative references, citations or evidence that a single fact therein stated under oath, is incorrect.

And finally, the Examiner has completely failed to justify his thwarting of the established rules of practice governing the authority and behavior of the examining corps.

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As earlier pointed out--and the present Examiner has *not* answered this--MPEP-  
Sec. 2307.04. --specifically restricts the use of such a suspension to cases "*otherwise in  
condition for allowance*".

The first Examiner thus clearly issued the suspension under this understanding  
of allowability to applicants; and applicants had no objection, being also anxious to  
determine the validity of the claims under re-examination.

As also earlier pointed out--and again the present Examiner has *not* answered  
this--the MPEP instructs the Examiner to continue the prosecution "*as far as possible*",  
being specifically *mandated* by MPEP Sec. 707.07/g to "*reject each claim on all valid  
grounds available*".

The first Examiner had no such grounds (certainly not § 112) and did not assert  
any.


As also earlier pointed out--and again the present Examiner has *not* answered  
this--the MPEP Sec. 706.04 --requires "*full faith and credit...be given to...the action of a  
previous examiner...(and) an examiner should not take an entirely new approach or attempt to  
reorient the point of view of a previous examiner...*"

Withdrawal of this improper and greatly belated § 112 rejection, and the prompt  
declaration of an interference are therefore respectfully requested--particularly, as has  
been shown, in light of the technical incorrectness of the new § 112 rejection.

Any costs incurred by this amendment, including for any required time  
extensions, petition for which is hereby made, may be charged to Deposit Account No.  
18-1425 of the undersigned attorneys.

Respectfully submitted,

RINES AND RINES

By:   
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Date: November 4, 2004  
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